

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF WEST VIRGINIA
AT CHARLESTON

UNITED STATES OF AMERICA

v.

CRIMINAL ACTION NO. 2:11-00142

SARGIS TADEVOSYAN

MEMORANDUM OPINION AND ORDER

Pending is the defendant's Motion for Judgment of Acquittal, filed November 17, 2011, and the government's response thereto, filed December 5, 2011.

As to Count One, the defendant contends that the government failed to show that defendant was aware of or a participant in a conspiracy to commit health care fraud or wire fraud. The evidence in the light most favorable to the government shows, inter alia, as follows: A man named Garik had accompanied and directed Bedzhanyan and Shevchuk when the bank accounts were established by Bedzhanyan and Shevchuk with fake Klim Baykov identification supplied by Garik. The bank accounts were at the heart of the conspiracy and were all located in the Charleston and Dunbar, West Virginia, area. The accounts were established in December 2010. In early May 2011 it became necessary to make revisions to one of the accounts. Garik could not accompany Bedzhanyan and Shevchuk on that occasion but had the defendant do so, and for that purpose supplied the defendant

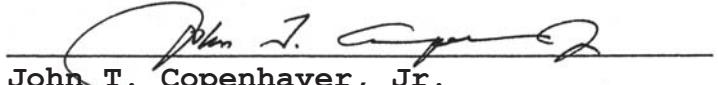
with the telephone and the fake identification used on the trip. The defendant transported Bedzhanyan and Shevchuk from New York City to Charleston and Dunbar, West Virginia, for the purpose of making the revisions to the KB Support Group, Inc., bank account at United Bank in Dunbar in order to facilitate and further the objects of the conspiracy. The defendant supplied Bedzhanyan and Shevchuk with the telephone used by them at the bank in order to obtain instructions while there from Garik as to the changes to be made to the account. The same phone was used by both the defendant and Bedzhanyan during the course of the trip in order to advise Garik of their progress and received instructions from him. The defendant also provided the fake Klim Baykov identification to Bedzhanyan and Shevchuk for use in connection with the bank account changes. The defendant had in his possession sets of keys to five different false front locations which were a central part of the conspiracy and from which he was to pick up the accumulated mail at those locations. In view of these facts, the motion as to Count One is denied.

As to Count Two, the only issue raised by defendant is grounded on the contention that Klim Baykov was not an actual person. Inasmuch as ample evidence shows that Klim Baykov was an actual person, the motion as to Count Two is denied.

It is, accordingly, ORDERED that the defendant's Motion for Judgment of Acquittal be, and it hereby is, denied.

The Clerk is directed to forward copies of this memorandum opinion and order to the defendant, all counsel of record, the United States Probation Department and the United States Marshal.

DATED: January 30, 2012


John T. Copenhaver, Jr.
United States District Judge